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TO AMEMBASSY MEXICO CITY PRIORITY

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E.O. 11652: N/A

TAGS: CASC, MX (SHAFFER, EDGAR ALAN)

SUBJECT: CONGRESSIONAL HEARINGS ON AMERICAN PRISONERS IN
MEXICO: FOLLOW-UP ACTION ON SHAFFER CASE.

REF: STATE 194237 AND 197924

1. DEPARTMENT FOUND THAT SHAFFER'S ALLEGATIONS OF (A)
DENIAL OF CONSULAR ACCESS, (B) PROLONGED TRIAL DETENTION,
(C) EXTORTION BY LAWYER, AND (D) CONFISCATION OF PROPERTY
APPEAR TO HAVE VALIDITY AND WARRANT REMEDIAL ACTION WHERE
POSSIBLE.

2. DENIAL OF CONSULAR ACCESS: SHAFFER WAS REFUSED PERMIS-
SION TO CALL EMBASSY AFTER HIS ARREST. ALTHOUGH REMEDY THIS
INCIDENT NO LONGER FEASIBLE, DEPARTMENT UNDERSTANDS EMBASSY
PROPOSES TO RAISE DENIAL OF CONSULAR ACCESS AS A GENERAL
PROBLEM, AND WOULD APPRECIATE BEING INFORMED OF ANY RECENT
RESULTS. IN FUTURE CASES OF DENIAL OF ACCESS, DIRECT
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REMEDIAL ACTION IS ALSO RECOMMENDED AT CONOFF LEVEL.

3. PROLONGED TRIAL DETENTION: SHAFFER'S TRIAL DETENTION HAS NOW LASTED 17 MONTHS. EMBASSY REQUESTED TO DETERMINE REASON THEREFOR, PER STATE 190333, IN PARTICULAR IF APPARENT

PRESENT LACK OF ATTORNEY IS RELEVANT. IN THIS REGARD EMBASSY IS REQUESTED TO INFORM DEPARTMENT OF ANY RESOLUTION OF SHAFFER'S REQUEST TO OBTAIN PUBLIC DEFENDER (MEXICO 6531).

4. EXTORTION BY LAWYER; SHAFFER CLAIMS TO HAVE PAID JORGE AVILES 4700 DOLLARS. DOES SHAFFER HOPE TO PURSUE THIS MATTER? EMBASSY'S GENERAL COMMENTS WOULD ALSO BE APPRECIATED ON ACTUAL PROCEDURES WHICH MAY BE FOLLOWED IN SUCH CASES, AS WELL AS SUGGESTIONS FOR PROPOSED

LANGUAGE FOR A GUIDANCE LETTER PER DEPARTMENT REQUEST IN REFTTEL STATE 197924.

5. CONFISCATION OF PROPERTY: 160 DOLLARS WAS ALLEGEDLY TAKEN FROM SHAFFER WITHOUT RECEIPT AT TIME OF ARREST AND NEVER RETURNED. WHILE REMEDY NO LONGER SEEMS FEASIBLE AT THIS TIME IN SHAFFER'S CASE, DEPARTMENT UNDERSTANDS EMBASSY IS CONSIDERING PROBLEM GENERALLY AND REQUESTS EMBASSY

COMMENTS AS TO WHAT EVENTUAL SOLUTION APPEARS POSSIBLE. INGERSOLL

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